

**THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CIVIL CASE NO. 1:11-cv-00071-MR-DLH**

<b>SYNOVUS BANK,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b><u>ORDER</u></b>
	)	
<b>BOKKE IV L.L.C., JAMES ELEY,</b>	)	
<b>LAURA KELLY, JOHN KELLY, SR.,</b>	)	
<b>MARLON NIEMAND, MARK P. KELLY,</b>	)	
<b>JOHN G. RECKENBEIL, and SIMON</b>	)	
<b>MANNION,</b>	)	
	)	
<b>Defendants,</b>	)	
	)	
<b>vs.</b>	)	
	)	
<b>KEITH VINSON, et al.,</b>	)	
	)	
<b>Third Party</b>	)	
<b>Defendants.</b>	)	
	)	

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**THIS MATTER** is before the Court on the Notice of Voluntary Dismissal filed by Defendant James Eley, which the Court construes as a motion to dismiss. [Doc. 175].

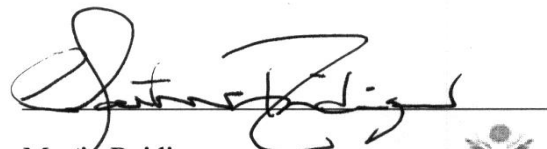
In response to the Court's Order of March 6, 2014 [Doc. 171], the Defendant James Eley has filed a notice indicating that he wishes to voluntarily dismiss his claims against the Third Party Defendants in this

action. The Court will construe Defendant Eley's filing as a motion to dismiss pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure and will grant the motion.

**IT IS, THEREFORE, ORDERED** that the Defendant Eley's motion to dismiss [Doc. 175] is **GRANTED**, and the third-party claims asserted by Defendant Eley in this action are hereby **DISMISSED**.

**IT IS SO ORDERED.**

Signed: March 24, 2014

  
Martin Reidinger  
United States District Judge

